

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 1999-274-T and 2009-107-T - ORDER NO. 2009-422

JUNE 25, 2009

IN RE: Docket No. 1999-274-T – Application of)	ORDER GRANTING
Virgil Graham d/b/a Photography/Safari)	REINSTATEMENT OF
Tour, Post Office Box 6799, Myrtle Beach,)	CERTIFICATE
South Carolina 29572 (District 1) for a Class)	
C Charter Certificate of Public Convenience)	
and Necessity)	
)	
and)	
)	
Docket No. 2009-107-T – Petition of the)	
Office of Regulatory Staff for Commission to)	
Order a Rule to Show Cause as to Why the)	
Certificates of Public Convenience and)	
Necessity for Certain Motor Carriers Should)	
Not Be Revoked for Non-Payment of)	
License Fees)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of a request filed by Virgil Graham d/b/a Photography/Safari Tour (“Applicant”) to reinstate Class C Charter Certificate of Public Convenience and Necessity No. 6799 issued to the Applicant pursuant to Commission Order No. 1999-481, dated July 7, 1999.

On March 4, 2009, a Petition for a Rule to Show Cause was filed by the South Carolina Office of Regulatory Staff (“ORS”) as to why the Certificates of Public Convenience and Necessity of certain carriers should not be revoked for failure to pay license fees and thereby failing to comply with the statutes governing operations of

Motor Vehicle Carriers in South Carolina. The record reflects that the Applicant was a respondent to the Rule to Show Cause for non-payment of license fees.

For those motor carriers who had not responded to the prior notifications of noncompliance, a formal hearing regarding this matter was held on May 6, 2009. The Commission found that the Certificates of Public Convenience and Necessity held by certain carriers, including the Applicant, should be revoked and cancelled for the violation of failing to pay the required license fees. Accordingly, the Commission issued Order No. 2009-314, dated May 14, 2009, which cancelled the Applicant's Certificate No. 6799.

By application received June 2, 2009, the Applicant requests that the Certificate in question be reinstated. The original Application for certification of the Applicant on file with the Commission provides documentation regarding the Applicant's stated knowledge of and commitment to abide by all relevant statutes and Commission regulations.

The Commission has reviewed the case before it and after due consideration, the Commission concludes that the above-mentioned Certificate should be reinstated, subject to compliance with all the applicable statutes and the Commission's Rules and Regulations, and that prior to such compliance and certification, regulated motor carrier services shall not be provided by the Applicant.

IT IS THEREFORE ORDERED:

1. That Class C Charter Certificate of Public Convenience and Necessity No. 6799 of Virgil Graham d/b/a Photography/Safari Tour be, and hereby is, reinstated,

subject to compliance with all Commission Rules and Regulations within sixty (60) days of the date of this Order.

2. That all operating rights authorized under the Certificate are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations within sixty (60) days of the date of this Order.

3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, including the requirements of filing with the Office of Regulatory Staff proof of appropriate insurance, the payment of license fees, and such other information required by law within sixty (60) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, the motor carrier services authorized by the Certificate shall not be provided.

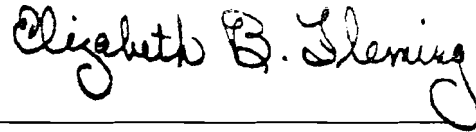
4. That failure of the Applicant either (1) to complete the certification process by complying with the Commission requirements of causing to be filed with the Office of Regulatory Staff proof of appropriate insurance on forms as approved by the Commission and the payment of license fees and such other information required by law within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, may result in the authorization approved in this Order being revoked.

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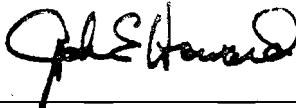
5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman

(SEAL)